

REMARKS

In a Final Office Action dated July 21, 2005, claims 1, 3-6, 9, 11-14, 17-23, 25, 27-29, 31-33, 36, 37, 39, 41 and 42 were rejected under 35 U.S.C. § 102(b) as being anticipated by Ohnishi; and claims 7, 8, 15, 16, 24, 30, 34, 35, 38 and 40 were objected to as being dependent upon rejected base claims but were indicated as being allowable if rewritten in independent form. Applicant respectfully requests reconsideration by the Examiner for at least the following reasons.

Independent claims 1, 9, 17 and 25 each recite that the modulated signal has substantially more spectral energy near the harmonic than near the fundamental frequency.

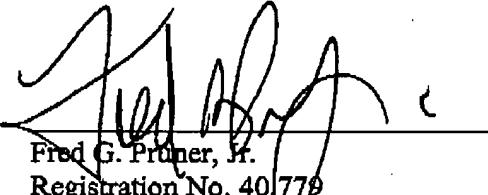
In the Final Office Action, the Examiner refers to lines 9-27 of column 4 and Figs. 3A-3C to support the Examiner's position that Ohnishi allegedly teaches producing a modulated signal that has substantially more spectral energy near the harmonic than near the fundamental frequency. However, contrary to this position, Ohnishi discloses in Fig. 3C the characteristic 322 of the bandpass filter. Thus, the characteristic 322 in Fig. 3C shows the pass band of the filter, a pass band that includes the complex signal spectrum 320 at the alleged fundamental frequency  $f_c$ . The corresponding text in Ohnishi states that the bandpass filter 24 extracts components in the vicinity of the frequency  $f_c$ . This means, in view of Fig. 3C, that the bandpass filter passes the complex signal spectrum 320 while filtering out components in the vicinity of the frequency  $f_c$ . The bandpass filter 24 is not, however, a notch filter as the Examiner effectively contends, in that there is no teaching or suggestion in Ohnishi that the bandpass filter 24 filters out the complex signal spectrum 320. Rather, to the contrary, Ohnishi teaches that the complex signal spectrum 320 remains. Applicant also points out that Ohnishi labels in Fig. 3C an aliasing component 321 that, as shown by the dashed lines, is a component that is removed by the bandpass filter 24. Ohnishi, 4:59-65. As shown in Fig. 3C, however, after the bandpass filter 24 the spectral components 320 remain at the  $f_c$  frequency and a  $4f_c$  frequency. However, there is no teaching or suggestion in Ohnishi that the modulated signal after the bandpass filter 24 has substantially more spectral energy near the harmonic (i.e., near the  $4f_c$  frequency, for example) than near the fundamental frequency (i.e., the  $f_c$  frequency, for example).

Therefore, for at least the reasons that are set forth above, Ohnishi fails to anticipate either independent claim 1, 9, 17 or 25. As such, for at least this reason, withdrawal of the § 102(b) rejections of claims 1, 3-6, 9, 11-14, 17-23, 25, 27-29, 31-33, 36, 37, 39, 41 and 42 is requested.

CONCLUSION

In view of the foregoing, withdrawal of the remaining § 102 rejections and a favorable action in the form of a Notice of Allowance are requested. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 20-1504 (ITL.0586US).

Respectfully submitted,



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